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11
12 **UNITED STATES DISTRICT COURT**
13
14 **FOR THE DISTRICT OF NEVADA**

15 AUGUSTA INVESTMENT
16 MANAGEMENT, LLC

Case No.: 2:15-cv-00125-GMN-NJK

17 Plaintiff,

18 vs.

19 DOMONIC GRUNSTAD; et al.

20 Defendants.

21 **JOINT DISCOVERY PLAN AND SCHEDULING ORDER**

22 1. **Meeting.** Pursuant to FRCP 26(f) and LR 26-1(a), a meeting was originally held on
23 February 29, 2016 between:

24 Stephanie Cooper, Esq., for Plaintiff;

25 Colt Dodrill, Esq. for the Defendant, Carrington Mortgage.

26 The parties exchanged the initial disclosures in accordance with Rule 26 (a)(C). The
27 Defendant had filed a Motion to Dismiss (#15) on April 3, 2015 which was granted by the Court
28 on March 10, 2016 by Court order (#34). The Order permitted amendment by the Plaintiff and
accordingly an Amended Complaint (#35) and the Defendant has now answered the Amended
Complaint (#45) as of May 23, 2016. The only other parties to the Amended Complaint (#35) were
HUD which filed a Disclaimer of Interest (#41) and will not be participating in the litigation and
Sables, LLC which was voluntarily dismissed by stipulation and order. (#42 and #44).

1 2. **Discovery Plan.** The parties jointly propose to the Court the following discovery
2 plan:

3 (a) **Subject of Discovery:** Discovery will be needed on the following subjects:

4 All claims set forth in the original Complaint, as well as the defenses relevant to the
5 action.

6 (b) **Discovery Cut-off Dates:** Discovery will take 180 days, measured from May 23,
7 2016. The discovery cut-off date, therefore, will be **Friday, November 18, 2016.**

8 (c) **FRCP 26(a)(2) Disclosures (Experts):** Disclosure of experts shall proceed as follows:

9 (1) The disclosure of experts and expert reports shall occur on **Monday,**
10 **September 19, 2016**, which is 60 days before the discovery cut-off date; and

11 (2) The disclosure of rebuttal experts and their reports shall occur on
12 **Wednesday, October 19, 2016** which is the first judicial day that is after 30
13 days before the discovery cut-off date.

14 3. **Other items.**

15 (a) **Amending the Pleadings and Adding Parties:** The parties have until **Monday,**
16 **August 22, 2016**, to file any motion to amend the pleadings or to add parties. This
17 is 90 days before the discovery cut-off date and does not exceed the outside limit LR
18 26-1 (e)(2) presumptively sets for ninety (90) days before the discovery cut-off date
19 of filing such motions.

20 (b) **Interim Status Report:** The parties shall file the interim status report required by LR
21 26-3 by **Monday, September 19, 2016.** The undersigned counsel certify that they
22 have read LR 26-3 and that this date is not later than sixty (60) days before the
23 discovery cut-off date.

24 (c) **Dispositive Motions:** The parties shall have until **Monday, December 19, 2016**, to
25 file dispositive motions. This is thirty (30) days after the discovery cut-off date and
26

1 does not exceed the outside limit of thirty (30) days following the discovery cut-off
2 date that LR 26-1 (e)(4) presumptively sets for filing dispositive motions.

3 (d) Settlement: The parties have initially addressed the issue of settlement and agree to
4 continue to have meaningful negotiations prior to the discovery phase of this
5 litigation.

6 (e) Pretrial Order: The pretrial order shall be filed by **Wednesday, January 18, 2017**,
7 which is the first judicial date not more than thirty (30) days after the date set for
8 filing dispositive motions in the case. This date is suspended if the dispositive
9 motions are timely filed. The disclosures required by FRCP 26(a)(3) shall be made
10 in the joint pretrial order.

11 (f) Court Conference: The parties do not request a conference with the Court before
12 entry of the scheduling order.

13 (g) Later Appearing Parties: A copy of this discovery plan and scheduling order shall be
14 served on any person served after it is entered, or, of additional defendant should
15 appear, within five (5) days of their first appearance.

16 (h) Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4
17 governs modifications or extensions of this discovery plan and scheduling order.
18 Any stipulation or motion must be made not later than twenty-one (21) days before
19 the discovery cut-off date and comply fully with LR 26-4.

20 (i) Interrogatories and Depositions: The parties agree to the customary total number of
21 interrogatories of 25 per party; the parties may agree to more interrogatories by
22 mutual agreement or application to the Court. The parties also agree to no more than
23 ten (10) depositions by Plaintiff and no more than ten (10) depositions by Defendants
24 as provided in Rule 30(a)(2)(A)(I). However, the parties may agree to more
25 depositions by mutual agreement or application to Court.
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1 (j) Short Trial or Trial by Magistrate: The parties hereby certify that they have
2 considered short trial or trial by Magistrate and have determined that they do not wish
3 to consent to the same.

4 (k) ADR: The parties hereby certify that they have conferred regarding the possibility of
5 utilizing a means of alternative dispute resolution to include mediation, arbitration
6 or early dispute evalation and have chosen not to participate in the same at this time.

7 (l) Electronic Discovery: The parties hereby certify that they have discussed the
8 possibility of presenting evidence in an electronic format for purposes of jury
9 deliberations and contend that they do not plan on requiring the Court's jury evidence
10 display system.

11 DATED this 15th day of June, 2016.

12 APPROVED AS TO FORM AND CONTENT.

13 **ALDRICH LAW FIRM, LTD.**

WOLFE & WYMAN LLP

14
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